THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION Nos.20548, 20549, 20550, 20621 and 20628 of 2007

Between:

Aguru Venkata Ramanamma and others.

.. PETITIONERS

and

The District Collector, Srikakulam and others.

.. RESPONDENTS

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THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION Nos.20548, 20549, 20550, 20621 and 20628 of 2007

COMMON ORDER:

All these writ petitions have been filed questioning the show cause notices, dated 05-06-2007, 31-08-2007 and 11-09-2007, issued to the petitioners under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007, calling upon them to submit explanations within 15 days from the date of receipt of the said show cause notices as to why they should not be evicted from the assigned lands in question, as the original assignees transferred the said lands in favour of the petitioners in contravention of sub-section (2) of Section 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act").

It is the case of the petitioners that similar show cause notices have been issued in the month of September, 1996 and for which, explanations have been filed stating that they have not violated the provisions of Section 3 of the Act, as the lands in question are patta lands but not assigned lands.

Admittedly, no orders have been passed, pursuant to the earlier show cause notices and, therefore, it cannot be said that the action initiated by the respondents for cancellation of the assignment and resumption of the lands on the same ground has become final. Insofar as alienation of the assigned lands in contravention of Section 3 is concerned, it cannot be said that the respondents are estopped from initiating any action, and as and when there is any violation, it is always open for the Revenue Authorities to initiate action for resumption of the lands in accordance with the provisions of the Act. However, it is the contention of the petitioners that the said show cause notices have been received on 17-09-2007 and the explanations were filed on 17-09-2007 itself. But, without passing any final orders, the respondents are taking steps to dispossess the petitioners from the lands in question.

Having regard to the facts and circumstances of the case, the writ petitions are disposed of directing the second respondent to consider and dispose of the explanations of the petitioners, dated 17-09-2007, by passing appropriate orders, in accordance with law, as expeditiously as possible. Pending disposal of the explanations, status-quo obtaining as on today, shall be maintained. There shall be no order as to costs.

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28-09-2007

Prv